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Letter dated 23 August 2013 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On the instructions of my Government, I have the honour to draw the attention of the Security Council to the evolution of the security situation in North Kivu precipitated by the repeated attacks against the Forces armées de la République démocratique du Congo (FARDC) by the negative force Mouvement du 23 mars (M23), with the support of the Rwandan army.

1. Renewed fighting in North Kivu

M23 rebel terrorists began to attack Kibati on the night of Wednesday, 21 August 2013 from the trenches to which they had retreated near the border between the Democratic Republic of the Congo and Rwanda. The FARDC positions were compelled to defend themselves, with the effective support of the intervention brigade. The counter-offensive resulted in fresh setbacks for the attackers. In addition, the FARDC was able to destroy the M23 munitions depot in Kibumba. The depot burned throughout the day on 22 August 2013, which gives an idea of the volume of supplies that were sent from Rwandan territory to support this negative force.

In the early afternoon of Thursday, 22 August 2013, in two attacks, the M23 terrorists launched 11 shells at various districts of the city of Goma, in particular, the districts of Katindo Gauche, Murara, Office and the nearby suburb of Munigi. This shelling caused loss of human life and significant material damage; a woman and her three children were killed in Munigi and 12 people were seriously wounded. The Anglican school in the Office 2 district was seriously damaged, as was a building housing staff of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

According to the initial reports from the experts, the largest number of rocket attacks originated in the territory of the Republic of Rwanda, specifically in the villages of Mukamira and Rugero in the border district of Rubavu and the village of Mahuku. It is clear that these vicious attacks were deliberately targeting the civilian population of Goma, given that the actual military confrontations between FARDC and the coalition known as M23 took place over 15 kilometres from the capital city of North Kivu. It thus follows that this matter concerns war crimes as defined by international law.

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2. Allegations made by Rwanda against the Forces armées de la République démocratique du Congo

In a communiqué circulated yesterday, the Rwandan Government, represented by General Joseph Nzabamwita, spokesperson for the Rwanda Defence Force, accused the FARDC of having "deliberately fired rockets past the border with Rwandan territory. The bombs, which were launched from a 107 mm rocket, landed on the village of Bugu, in the neighbourhood of Busigari in the Cyanzarwe sector of the Rubavu district, at approximately 1300 hours on Thursday. The bomb landed in an urban area and damaged property. This act of provocation follows a similar incident reported, which took place on 15 July 2013, when the FARDC deliberately shelled the neighbourhoods of Kageshi and Gasiza in the Busasana sector of the Rubavu district on two occasions".

General Nzabamwita added that "Thursday's bombing was unprovoked and senseless" and that "the Government of Rwanda requested the Expanded Joint Verification Mission to visit the sector to verify Thursday's bombings".

It goes without saying that the Government of the Democratic Republic of the Congo refuted the allegations made by the Rwandan authorities concerning the bombings of 15 July 2013 and demonstrated that those bombings, if they in fact took place, must have been committed by the M23 mutineers, who wished to provide the Rwandan army with a convenient pretext that would justify the support it was already providing to M23. Taking all of that into account, we are facing the same scenario that preceded the Rwandan forces' invasion of Goma in November 2012. Rwanda Defence Force battalions were deployed towards the Congo and shells were fired at Rwanda from areas then controlled by M23 to provide a pretext for a Rwandan intervention in the guise of retaliation. Events are unfolding in the same manner today. As of yesterday, highly credible sources had already confirmed to both our Government and various entities of the international community that bombs, fired from Congolese territory, had indeed fallen on Rwanda without causing any casualties; but that it was M23 that had fired the bombs on Rwanda in order to accuse the Forces armées de la République démocratique du Congo (FARDC) and justify that country, which already supports M23 against the Democratic Republic of the Congo, going to war.

The information contained in the statement by the Rwandan Minister of Defence, reporting that FARDC deliberately fired a 107 mm rocket into Bugu village, in the Rubavu district, is unsubstantiated, as are many other widespread allegations intended to mislead public opinion. That is true of the allegation that FARDC, which is battling the M23 negative force, is supported by the Forces démocratiques de libération du Rwanda, a negative force. In all the time that Rwandan strategists have persisted in spreading this falsehood, no one has been able to produce any evidence to support this allegation. That is because it simply does not exist, and specific requests from the Congolese Government for written evidence in that regard, so that it might take action against any officer or soldier found guilty of such a crime, have gone unanswered.

Furthermore, it is important to note that these attacks by M23, supported by regular units of the Rwandan army, are merely delaying tactics, designed to disrupt and hinder the deployment of the intervention brigade.

Consequently, my Government requests that the Security Council:

1. Strongly condemn the attacks by the M23 negative force and its allies on the civilian population of Goma and the surrounding area.

2. Order the immediate and unconditional withdrawal of the regular units of the Rwandan army from the territory of the Democratic Republic of the Congo.

3. Invite Rwanda to respect the commitments that it entered into freely under the Framework agreement signed in Addis Ababa on 24 February 2013.

4. Consider the crimes committed by the M23 negative force and its supporters as war crimes and crimes against humanity, and ask the International Criminal Court to treat them as such.

My Government invites the Security Council to take action on this request and to arrange for it to be distributed as a document of the Security Council.

(*Signed*) Ignace **Gata Mavita**
Permanent Representative